IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.956 OF 2005
IN
SUIT NO.2716 OF 1986

Haldyn Glass Works P.Ltd. ..Plaintiff.

V/s.

The Oriental Fire & General
Insurance Co. Ltd. & Ors. ..Defendants.

Mr.Zubin Kamdin i/b A. & Mangaldas for Plaintiff.

Ms.Tina Fernandes i/b Raymond Samuel for Defendants.

CORAM: A.M.KHANWILKAR,J

DATE : SEPTEMBER 14, 2005.

P.C. :

1. Not on board. Upon mentioning taken on board.

2. Heard counsel for the parties. Perused the pleadings.

3. By this chamber summons, plaintiff seeks permission of this court to take on record plaintiff's witnesses' supplementary affidavits in lieu of examination in chief. The plaintiff proposes to bring on record the said supplementary affidavits of Babi Parab dated July 19, 2005, V.N.Shetty dated July 10, 2005 and N.D.Shetty dated July 22, 2005,

alongwith enclosures thereto being File Nos. XII and XIIA.

4. This application is however, opposed by the defendants on the argument that nothing is set out in the affidavit in support of the chamber summons, to even remotely suggest as to what prevented the plaintiff to place on record the relevant materials which are now proposed to be brought on record by way of supplementary affidavits of the witnesses.

5. The defendants may be justified to the limited extent. However, in the interest of justice, I am inclined to accede to the request of the plaintiff as made in the chamber summons. This is so because cross-examination of the concerned plaintiff's witnesses is yet to be commenced. Demand of the plaintiff is only to bring on record material which are relevant for deciding matters in issue and already referred to in pleadings, originally filed before this Court.

6. In such situation, in the interest of justice and to avoid re-examination of the witnesses, the chamber summons is granted in terms of prayer clause (a), on condition that the plaintiff shall pay costs

to the defendants quantified at Rs.3,000/-. Costs to be paid within one week from today.